

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the remarks herein.

Upon entry of this amendment, claims 1-5, 8, 10-15, 17, and 19-79 are pending. By this amendment, claims 1, 43, 54, 60 and 72 have been amended. No new matter has been added.

Priority

In Section 4 of the January 24, 2006 Office Action (“the Office Action”), clarification is requested as to the status of co-pending application 09/843,589 with respect to the instant application. The disclosure filed April 26, 2001 discloses the co-pending application, which is also listed in the declaration filed August 22, 2001 for priority benefit.

Pursuant to 37 C.F.R. § 1.76(d)(5), an application data sheet is provided in which the claim for priority benefit of the co-pending application 09/843,589 is removed.

§103 Rejection of Claims 1, 2, 5, 8, 10-12, 14, 17, 19-23, 30, 31, 35-44, 46-52, 60, 61, 64-79

In Section 6 of the Office Action, claims 1, 2, 5, 8, 10-12, 14, 17, 19-23, 30, 31, 35-44, 46-52, 60, 61, 64-79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman *et al.* (U.S. Publication No. 2004/0261127; hereinafter referred to as “Freeman”) in view of Lawler *et al.* (U.S. Patent No. 5,699,107; hereinafter referred to as “Lawler”) and Lappington *et al.* (U.S. Patent No. 5,764,275; hereinafter referred to as “Lappington”).

In the Background section of the Specification, it is stated, “advantages of interactive television in the context of a game show like Jeopardy stem from the fact that a game show is participatory by definition. While viewing a game show without the benefit of interactive

functionality, the viewer still often times finds himself yelling answers or price estimates to the in-studio contestants. Thus, the advantage of adding an actual interactive functionality to the game show that allows the viewer to not merely yell out answers or prices, but actually participate by inputting the answers or prices, is apparent. It is likely to result in an increased number of viewers and, consequently, advertising revenue. ... However, it is not at all apparent how to stimulate additional interest through the provision of interactive functionality in television programs other than game shows. Television programs such as situation comedies, soap-operas, or adventure shows tend to be viewed in a much more passive fashion. Thus, although there may be items on the television screen at a particular time in the broadcast, such as clothing, cars, or places, that would interest or stimulate a particular viewer, or motivate the particular viewer to perform some action, the non-interactive presentation of those items on the screen often results in the viewer not even noticing the items, except perhaps on a sub-conscious level." *Background of the Specification, Page 4, lines 16-31.*

To achieve the above-stated objective, embodiments of the present invention provide methods and systems for providing interactive content. For example, a system of providing interactive content to a user, as recited in claim 1, includes:

- a user reception device for the reception of broadcast signals;*
- a video display associated with the user reception device for displaying a user-perceptible form of the broadcast signals to the user;*
- a decoding device communicating with the user reception device, the decoding device being programmed to execute an interactive program written for the broadcast content;*
- a server network device communicating with the decoding device, the server network device being programmed to download segments of the interactive program to the decoding device;*

a communication device communicating with the decoding device and with the server network device; and

a memory system communicating with the server network device and the decoding device, the memory system storing segments of the interactive program;

wherein the interactive content is synchronized to segments of the broadcast content which are interrelated to the interactive content;

wherein the interactive content is synchronized to segments of the broadcast content by events within the broadcast content;

wherein the events within the broadcast content are triggers inserted in the broadcast content;

wherein the triggers are inserted at pre-determined segments within the broadcast content to activate segments of the interactive program and to alert the user about another interactive program in the broadcast content different from the interactive program currently being presented to the user;

wherein the segments of the interactive program provide content-related facts and information to the user, the facts and information being interrelated with the broadcast content being presented to the user during the pre-determined segment of the broadcast, and a type of content-related facts and information is selected by the user; and

wherein the facts and information are provided to the user in a question and answer format, the user inputting an answer in response to a displayed question.

(emphasis added)

Accordingly, in one aspect of claim 1, segments of the interactive program provide content-related facts and information to the user, the facts and information being interrelated with the broadcast content being presented to the user during the pre-determined segment of the broadcast, and a type of content-related facts and information is selected by the user. “[T]he user may choose the type of facts and information that will be displayed. For example, the user may

choose facts and information about the music play on the program. The user may choose facts and information about particular cast members or about particular places shown in the program.”

Specification, page 13, lines 28–31. In a further example, “the user may select the “Eye Spy” operator 710, as represented in FIG. 8 by the darker shading of operation 710, to initiate this feature. When operator 710 is selected, corresponding triggers that have been inserted in the program will initiate the display of questions that are synchronized to related scenes (segments) in the program.” *Specification, page 14, lines 17–20.* Further, “facts and information about a cast member’s clothes may be synchronized with a scene (segment) in which the cast member appears wearing those clothes....” *Specification, page 13, lines 24–26.*

By contrast, Freeman, Lawler and Lappington, individually or in combination, fail to teach or suggest providing the user a capability to select a type of content-related facts and information according to an aspect of the broadcast content, such as the music, cast member information, or the clothes the a particular cast member is wearing.

Based on the foregoing discussion, claim 1 should be allowable over Freeman, Lawler and Lappington. Independent claims 43, 60, and 72 include the above-discussed relevant limitations for claim 1 in substantially similar forms. Therefore claims 43, 60, and 72 should also be allowable over Freeman, Lawler and Lappington. Since claims 2, 5, 8, 10–12, 14, 17, 19–23, 30, 31, 35–42, 44, 46–52, 61, 64–71, and 73–79 depend from one of independent claims 1, 43, 60, and 72, claims 2, 5, 8, 10–12, 14, 17, 19–23, 30, 31, 35–42, 44, 46–52, 61, 64–71, and 73–79 should also be allowable over Freeman, Lawler and Lappington.

Accordingly, it is submitted that the rejection of claims 1, 2, 5, 8, 10–12, 14, 17, 19–23, 30, 31, 35–44, 46–52, 60, 61, 64–79 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 3, 4, 45, 53, 62, 63

In Section 7 of the Office Action, claims 3, 4, 45, 53, 62, and 63 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Lawler and Lappington and further in view of Weinstein *et al.* (U.S. Patent No. 6,604,242; hereinafter referred to as “Weinstein”).

Based on the foregoing discussion regarding claims 1, 43, and 60, and since claims 3, 4, 45, 53, 62, and 63 depend from one of claims 1, 43, and 60, claims 3, 4, 45, 53, 62, and 63 should also be allowable over Freeman, Lawler and Lappington. Further, Weinstein is merely cited for providing “a unified interface to combine both the broadcast and interactive features”. Therefore, the combination of Freeman, Lawler, Lappington, and Weinstein still lacks the above-discussed relevant limitations. Therefore, claims 3, 4, 45, 53, 62, and 63 should also be allowable over Freeman, Lawler, Lappington, and Weinstein.

Accordingly, it is submitted that the rejection of claims 3, 4, 45, 53, 62, and 63 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 13

In Section 8 of the Office Action, claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Lawler and Lappington and further in view of Valdez, Jr. (U.S. Patent No. 6,426,778).

Based on the foregoing discussion regarding claim 1, and since claim 13 depends from claim 1, claim 13 should also be allowable over Freeman, Lawler and Lappington. Further, Valdez, Jr. is merely cited for providing “a system that allows a user to associate interactive data

with a video presentation". Therefore, the combination of Freeman, Lawler, Lappington, and Valdez, Jr. still lacks the above-discussed relevant limitations. Therefore, claim 13 should also be allowable over Freeman, Lawler, Lappington, and Valdez, Jr.

Accordingly, it is submitted that the rejection of claim 13 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 15

In Section 9 of the Office Action, claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Lawler and Lappington and further in view of Ellis *et al.* (U.S. Publication No. 2004/0261125; hereinafter referred to as "Ellis").

Based on the foregoing discussion regarding claim 1, and since claim 15 depends from claim 1, claim 15 should also be allowable over Freeman, Lawler and Lappington. Further, Ellis is merely cited for disclosing that "the segments of the interactive program provide questions to the user about past events in a program". Therefore, the combination of Freeman, Lawler, Lappington, and Ellis still lacks the above-discussed relevant limitations. Therefore, claim 15 should also be allowable over Freeman, Lawler, Lappington, and Ellis.

Accordingly, it is submitted that the rejection of claim 15 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 24, 25, 27, 33, 34

In Section 10 of the Office Action, claims 24, 25, 27, 33, and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Lawler and Lappington and further in view of Kohorn (U.S. Patent No. 5,508,731).

Based on the foregoing discussion regarding claim 1, and since claims 24, 25, 27, 33, and 34 depend from claim 1, claims 24, 25, 27, 33, and 34 should also be allowable over Freeman, Lawler and Lappington. Further, Kohorn is merely cited for disclosing that “the number of points [is] directly proportional to the difficulty of question”. Therefore, the combination of Freeman, Lawler, Lappington, and Kohorn still lacks the above-discussed relevant limitations. Therefore, claims 24, 25, 27, 33, and 34 should also be allowable over Freeman, Lawler, Lappington, and Kohorn.

Accordingly, it is submitted that the rejection of claims 24, 25, 27, 33, and 34 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 26

In Section 11 of the Office Action, claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Lawler and Lappington and further in view of Furet.

Based on the foregoing discussion regarding claim 1, and since claim 26 depends from claim 1, claim 26 should also be allowable over Freeman, Lawler and Lappington. Further, Furet is merely cited for disclosing that “an interactive program is played in a question and answer format”. Therefore, the combination of Freeman, Lawler, Lappington, and Furet still lacks the above-discussed relevant limitations. Therefore, claim 26 should also be allowable over Freeman, Lawler, Lappington, and Furet.

Accordingly, it is submitted that the rejection of claim 26 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 28

In Section 12 of the Office Action, claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Lawler and Lappington and further in view of *Wade et al.* (U.S. Publication No. 2002/0165764; hereinafter referred to as “Wade”).

Based on the foregoing discussion regarding claim 1, and since claim 28 depends from claim 1, claim 28 should also be allowable over Freeman, Lawler and Lappington. Further, Wade is merely cited for disclosing that “points are redeemable for additional plays”. Therefore, the combination of Freeman, Lawler, Lappington, and Wade still lacks the above-discussed relevant limitations. Therefore, claim 28 should also be allowable over Freeman, Lawler, Lappington, and Wade.

Accordingly, it is submitted that the rejection of claim 28 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 29

In Section 13 of the Office Action, claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Lawler and Lappington and further in view of *Forrest et al.* (U.S. Patent No. 6,267,379; hereinafter referred to as “Forrest”).

Based on the foregoing discussion regarding claim 1, and since claim 29 depends from claim 1, claim 29 should also be allowable over Freeman, Lawler and Lappington. Further, Forrest is merely cited for disclosing that “the user is ranked according to the number of points accumulated by the user or team”. Therefore, the combination of Freeman, Lawler, Lappington,

and Forrest still lacks the above-discussed relevant limitations. Therefore, claim 29 should also be allowable over Freeman, Lawler, Lappington, and Forrest.

Accordingly, it is submitted that the rejection of claim 29 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 32

In Section 14 of the Office Action, claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Lawler and Lappington and further in view of Ellis (U.S. Publication No. 2004/0117831; hereinafter referred to as “Ellis2”).

Based on the foregoing discussion regarding claim 1, and since claim 32 depends from claim 1, claim 32 should also be allowable over Freeman, Lawler and Lappington. Further, Ellis2 is merely cited for disclosing that “questions are chosen from a pool of questions”. Therefore, the combination of Freeman, Lawler, Lappington, and Ellis2 still lacks the above-discussed relevant limitations. Therefore, claim 32 should also be allowable over Freeman, Lawler, Lappington, and Ellis2.

Accordingly, it is submitted that the rejection of claim 32 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 54–59

In Section 15 of the Office Action, claims 54–57 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmund *et al.* (U.S. Patent No. 6,698,020; hereinafter referred to as “Zigmund”) in view of Freeman, Lawler and Matheny *et al.* (U.S. Publication No. 2004/0205810; hereinafter referred to as “Matheny”).

Based on the foregoing discussion regarding claim 1, and since independent claim 54 includes the above-discussed relevant limitations for claim 1 in substantially similar forms, claim 54 should be allowable over Freeman and Lawler. Zigmond is merely cited for disclosing that “a method for selling advertising time during a broadcast program”. Further, Methany is merely cited for disclosing that “a communication system that broadcasts a video signal to a receiver to display programs that have triggers”. Therefore, the combination of Zigmond, Freeman, Lawler and Methany still lacks the above-discussed relevant limitations. Therefore, claim 54 should be allowable over Zigmond, Freeman, Lawler, and Methany. Further, since claims 55–59 depend from claim 54, claims 55–59 should also be allowable over Zigmond, Freeman, Lawler, and Methany.

Accordingly, it is submitted that the rejection of claims 54–59 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, applicant respectfully requests reconsideration of claims 1-5, 8, 10-15, 17, and 19-79 in view of the remarks and submits that all pending claims are presently in condition for allowance.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch

Dated: December 11, 2006

By: 

Samuel S. Lee
Reg. No. 42,791

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900